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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
69/582,705	06/30/2000	Shuji Yoshimura	44243P	6865
2292	T590	01/23/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ZIRKER, DANIEL R	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,705

Applicant(s)

Examiner

Zirker, Daniel

Group Art Unit

1771

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(i). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 12/4/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 3, 4, 7, 8 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 2, 4, 7, 8 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The Examiner notes that the specification in the "Disclosure of the Invention" section should eliminate the references (page 2, lines 18, 25 and 30) to specific claims, which is clearly improper.

3. Claims 1, 2, 4, 7 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, in view of the fact that applicant has amended his claims to refer ~~instead~~ to a "substantially flat sheet material" instead of a "ring body" but uses both the terms "ring" and "ring body" as well as other variants throughout his latest response, the Examiner strongly suggests to change "sheet material" to --ring-like core--. This is believed particularly pertinent in view of the fact that the "substantially flat sheet material" is not a single unitary sheet of material, but instead is believed to be a material such as a paper sheet, plastic form or metal foil that has an elongated flat central aperture. Applicant's claims at present do not appear to make this distinction, but note earlier, e.g. that applicant has stated that "the substantially flat ring is flexible and is easily deformed and hence a finger can be inserted easily inside the substantially

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flat ring by deforming the substantially flat ring", together with his arguments throughout the latest response, particularly on page 8 that the "sheet material", i.e. "ring-like core" is in fact a material having an elongated flat central aperture, as earlier stated above. Finally, note that both claims 1 and 4, which the Examiner again believes are de facto duplicates for reasons already of record lack antecedent basis in their conclusion that the "sheet material has printing on the inner peripheral surface thereof".

4. Claims 1, 2, 4, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP -383, substantially for reasons of record together with the following additional observations. To somewhat reiterate, the reference discloses a wound adhesive tape convenient for carrying and using that possesses a nearly flat ring-like core having a predetermined length of adhesive tape wound around the outer peripheral surface of the nearly flat ring-like core, which has a relatively thin thickness that "preferably" can be as thin as 100 microns (and in non-preferred embodiments presumably much thinner) and an adhesive surface on the inside of the length of the tape. As such, ~~although~~ ^{also} the reference lacks an express teaching that the flat ring body made of a sheet material has the claimed thickness range previously cited, and further does not teach the presence of a "metal foil" as set forth in newly presented dependent

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claims 7 and 8, as well as the presence of printing on the flat ring body found now in applicant's independent claims. However, the thickness range is believed to be, if not inherent, at most an obvious optimization parameter to one of ordinary skill, and the sheet materials set forth in claim 2 are either expressly taught or are believed (metal foil) to be within the skill of the art. As regards the presence of printing on the substantially flat ring body, this is again believed to be at most an obvious parameter to one of ordinary skill (e.g. note again JP -043 cited as evidence of the state of the art). Additionally, the Examiner questions whether or not ⁱⁿ the newly presented metal foil embodiments of claims 7, 8 (and 2) whether or not the printing can be seen through the metal foil embodiment since it is set forth on the inner surface of the ring-like core.

With respect to applicant's remarks, the Examiner has little to add to what has been earlier said in the prosecution. With respect to the remarks set forth (Response, bridging pages 5-6) the Examiner contests applicant's statement that "the thickness of the ring body of JP -383 clearly falls outside of the thickness range of the ring body of indented claims 1 and 4" for reasons previously set forth above. With respect to the remarks set forth at page 7, regarding the alleged different processes of making, it is noted that applicant does not claim a product-by-process claim and in any event have not submitted any

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evidence that would distinguish the claimed genus of articles from those disclosed by the reference. Other parameters that are not either expressly or inherently disclosed are again believed to be obvious modifications to one of ordinary skill, in the absence of unexpected results.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (571) 272-1486. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571) 272-1478. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-0994.

Dzirker:cdc

January 14, 2004

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1000-
1700

Daniel Zirker